

HOUSE No. 3575

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin G. Honan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to encourage smart growth zoning and housing production.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kevin G. Honan	17th Suffolk
Cleon H. Turner	1st Barnstable
William Lantigua	16th Essex
Christine E. Canavan	10th Plymouth
Matthew C. Patrick	3rd Barnstable
Michael J. Moran	18th Suffolk
Cheryl A. Coakley-Rivera	10th Hampden
Stephen L. DiNatale	3rd Worcester
Peter J. Koutoujian	10th Middlesex
Paul McMurtry	11th Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1239 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO ENCOURAGE SMART GROWTH ZONING AND HOUSING PRODUCTION..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 2 of chapter 40R of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by inserting the words “and scheduled bus stops” within the
3 “eligible locations” definition following the words “transit stations.”

4 SECTION 2. Said Section 2 of said chapter 40R, as so appearing, is hereby further amended by
5 striking out section (3) of the definition of “eligible locations” and inserting in place thereof the
6 following:- (3) areas approved by the planning board or the legislative body of the city or town
7 that by virtue of their infrastructure, transportation access (including highway or roadway
8 access), existing underutilized facilities, and/or location make highly suitable locations for
9 residential or mixed use smart growth zoning districts. Without limitation, the Department shall
10 recognize as an area of concentrated development qualifying as an eligible location any area
11 zoned in whole or in part for commercial or industrial use with or without existing structures.

12 SECTION 3. Section 6f of said Chapter 40R, as so appearing, is hereby amended by inserting
13 the following sentence at the end of said section:- For any overlay district in an area of such a
14 city or town which is served neither by a municipal sewer system nor by a municipal water
15 supply system, a hardship shall be presumed to exist, and the Department shall approve overlay
16 zoning at lower densities than the minimum allowable densities otherwise established by this
17 chapter, provided that the reduced density requested shall not be less than 4 units per acre,
18 regardless of housing type.